HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 519(S/S) 2004

Subhash Chandra Pandey
S/o Sri Prem Ballabh Pandey,
And fourteen others. ….Petitioners.

Vs.

State of Uttaranchal through Secretary,
Revenue, Dehradun and two others. ….Respondents.

Sri M.C. Pandey, learned counsel for the petitioners,
Learned Standing Counsel for the respondents.

Hon'ble M.M. Ghildiyal, J.:

Heard Sri M.C. Pandey, learned counsel for the petitioners and learned Standing Counsel for the State.

The petitioners who are Seasonal Collection Amins and Seasonal Collection Peons in the District of Champawat, have filed this writ petition with a prayer to issue directions to the respondents to regularise their services as Collection Amin and Collection Peons and they may be paid salary payable to the regular employees as revised on the basis on the recommendations of 5th Pay Commission.

Learned counsel for the petitioner has submitted that this issue has already been settled by this Court vide order dated 09.04.2004 in writ petition no. 4527 (S/S) 2001 Inder Singh and others vs. State of Uttaranchal and others and has requested that this writ petition may be disposed of in terms of the writ petition no. 4527 (S/S) 2001decided on 09.04.2002.

Learned Standing Counsel has raised the objection that no appointment order has been annexed by the petitioners and it is not known whether the petitioners are still working or not.

The petitioners in para-2 of the writ petition have stated that they were appointed as Seasonal Collection Amins and Seasonal Collection Peons in the year 1989-90 by the erstwhile State of U.P. in Tehsil Champawat, District Pithoragarh since then, they were continuously working in such capacity excluding artificial breaks.

In such a situation, if the petitioners are working from the year 1989-90, except artificial break, the case is fully covered by the judgment of this Court in writ petition no. 4527 (S/S) 2001 Inder Singh

and others vs. State of Uttaranchal and others decided on 09.04.2004 subject to the aforesaid observation, this writ petition is decided in terms of the writ petition no. 4527 (S/S) 2001.

With these directions, the writ petition is finally disposed of.

Sd/-

May 22, 2004:
NCM: